

### REMARKS

The above amendments to the above-captioned application along with the following remarks are being submitted as a full and complete response to the Official Action dated June 2, 2005 and the phone interview with the Examiners on August 10, 2005.

Applicants thank the Examiner and her Supervisor for taking the time to conduct the telephone interview.

In view of the above amendments and the following remarks, the Examiner is respectfully requested to give due reconsideration to this application, to indicate the allowability of the claims, and to pass this case to issue.

### Status of the Claims

Claims 3-8 and 14-16 are under consideration in this application. Claims 3-7 and 14-15 are being amended, as set forth in the above marked-up presentation of the claim amendments, in order to more particularly define and distinctly claim applicants' invention.

The claims are being amended to correct formal errors and/or to better recite or describe the features of the present invention as claimed. All the amendments to the claims are supported by the specification. Applicants hereby submit that no new matter is being introduced into the application through the submission of this response.

### Interview Summary

Regarding the pending new matter rejection caused by the prior amendments of changing "a" into "a1" and changing "A" into "a2" (thereby avoiding duplicating "A" referring to a Sample A and an expression level A at the same time), the Examiners agreed the reversing the changes, i.e., from "a1" and "a2" back to "a" and "A" will overcome the new matter rejection.

The Examiners raised three potential objections and rejections needed to be addressed. The first issue was that the specification did not support the recitation of "1/r" in the claims, but only disclosed on p. 16 "K/r, and K is a radius of a display sphere." The specification does not disclose that K=1. This potential rejection may be overcome by changing "1/r" into "K/r" and defining K as a radius of a display sphere" in the claims.

Second, the term "mediated" recited in the obtaining step of claim 3 was considered by the Examiners to be indefinite, and the Examiners were of the opinion the word did not

help in clarifying the claim in any manner. This issue will be overcome by simply deleting “mediated” from the claim.

The third issue was that claim 3 currently fails to recite any language to reflect the utility of the claim. This issue may be overcome by reciting in the claim that the sources of the samples are normal cells and “cells suffering from diseases (p. 4, 2<sup>nd</sup> paragraph)” or cells suffering from different diseases.

#### Formality Rejection

Claims 3-8 and 14-17 were rejected under 35 U.S.C. § 112, second paragraph, for being indefinite. The Examiner cited language in the above claims which he found to be ambiguous and to require clarification

As indicated, the changes are being reversed, i.e., from “a1” and “a2” back to “a” and “A,” as discussed during the interview as agreed by the Examiner. Accordingly, the withdrawal of the informality rejection raised in the Office Action is in order, and is therefore respectfully solicited.

Regarding three potential objections and rejections raised during the interview, the first issue is overcome by changing “1/r” into “K/r” and defining K as a radius of a display sphere” in the claims, the second issue is overcome by deleting “mediated” from the claim.

Regarding the third issue, Applicants contend that the third issue should be overcome by reciting the utility of the claim as “comparing gene expression levels of a plurality of common genes (“genes which are considered to be common to all species” p. 1, line 15-16; “displaying an expression state of each gene obtained from the experiment” p. 3, lines 10-11) for different samples A, B, C (“understanding rough difference between properties of genes in different cells” p. 4, lines p. 4, lines 1-2).”

As the examples described on page 26, lines 1-12, the invention is not limited to comparison between normal cells or cells suffering from diseases, but also including comparing Strains A, B and C with respect to activity states of a microorganism (such as bacteria), comparing expression states of a plurality of genes at three sites (such as head, torso and limbs) during the course of development of particular species, and detecting differences in gene expressions in three types of organs (such as liver, kidney and heart). A user can arbitrarily prepare the three kinds of samples according to his/her interest.

Accordingly, the withdrawal of the informality objections and rejections raised during the interview is in order, and is therefore respectfully solicited.

Conclusion

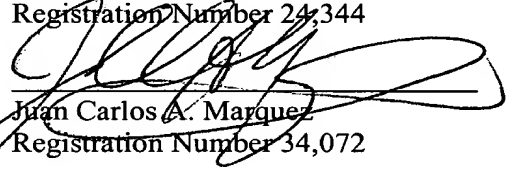
In view of all the above, clear and distinct differences as discussed exist between the present invention as now claimed and the prior art reference upon which the rejections in the Office Action rely, Applicants respectfully contend that the prior art references cannot anticipate the present invention or render the present invention obvious. Rather, the present invention as a whole is distinguishable, and thereby allowable over the prior art.

Favorable reconsideration of this application is respectfully solicited. Should there be any outstanding issues requiring discussion that would further the prosecution and allowance of the above-captioned application, the Examiner is invited to contact the Applicants' undersigned representative at the address and phone number indicated below.

Respectfully submitted,

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